

Notice of Allowability

Application No.

10/044,748

Examiner

Brenda Pham

Applicant(s)

CONNOR, PATRICK

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/17/05.
2. ☒ The allowed claim(s) is/are 1-5, 8-14, 16-22, 24-28, renumbering as 1-24, respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Brenda A. Pham

12/8/05

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Mark R. Kendrick on December 6, 2005.

2. The application has been amended as follows:

Claim 6 is canceled.

Claim 1 is deleted in entirety and is replaced it with the following:

"A method of controlling a transmission rate, comprising:

determining whether a pause frame has been received after a packet count value is reached;

determining, after waiting a pause time specified by the pause frame, whether a maximum of an inter-frame spacing (IFS) has been reached if the pause frame has been received; and

increasing the inter-frame spacing by a value if the maximum of the inter-frame spacing has not been reached to reduce the transmission rate."

Claim 4 is deleted in entirety and is replaced it with the following:

“A method of increasing a transmission rate, comprising:

determining whether a pause frame has been received after a packet count value is reached;

determining, after waiting a poll time specified by the pause frame, whether a minimum of an inter-frame spacing (IFS) has been reached if the pause frame has not been received; and

decreasing the inter-frame spacing for a number of frames by a value if the minimum of the inter-frame spacing has not been reached to increase the transmission rate.”

Claim 9 is deleted in entirety and is replaced it with the following:

“An input/output controller, comprising:

a receiver circuit to determine whether a pause frame has been received after a packet count value is reached; and

a logic circuit adapted to wait a pause time specified by the pause frame, to determine whether a maximum of an inter-frame spacing (IFS) has been reached if the pause frame has been received, and to increase the inter-frame spacing by a value if the maximum of the inter-frame spacing has not been reached to reduce a transmission rate.”

Claim 12 is deleted in entirety and is replaced it with the following:

“An input/output controller, comprising:

a receiver circuit to determine whether a pause frame has been received after a packet count value is reached; and

a logic circuit adapted to determine, after waiting a pause time specified by the pause frame whether a minimum of an inter-frame spacing (IFS) has been reached if the pause frame has not been received, and to decrease the inter-frame spacing for a number of frames by a value if the minimum of the inter-frame spacing has not been reached to train a transmission rate.”

Claim 17 is deleted in entirety and is replaced it with the following:

“A program code storage device, comprising:

a machine-readable storage medium; and

machine-readable program code, stored on the machine-readable storage medium, having instructions, which when executed cause a computer to

determine whether a pause frame has been received after a packet count is reached;

determine, after waiting a pause time specified by the pause frame, whether a maximum of an inter-frame spacing (IFS) has been reached if the pause frame has been received, and

increase the inter-frame spacing by a value if the maximum of the inter-frame spacing has not been reached to reduce a transmission rate.”

Claim 20 is deleted in entirety and is replaced it with the following:

“A program code storage device, comprising:

a machine-readable storage medium; and

machine-readable program code, stored on the machine-readable storage medium, having instructions, which when executed cause a computer to

determine whether a pause frame has been received after a packet count value is reached,

determine, after waiting a pause time specified by the pause frame whether a minimum of an inter-frame spacing (IFS) has been reached if the pause frame has not been received, and

decrease the inter-frame spacing for a number of frames by a value if the minimum of the inter-frame spacing has not been reached to increase a transmission rate.”

Claim 25 is deleted in entirety and is replaced it with the following:

“A network system, comprising:

a controller system to determine whether a pause frame has been received after a packet count value is reached, to determine, after waiting a pause time specified in the pause frame whether a maximum of an inter-frame spacing (IFS) has been reached if the pause frame has been received, and to increase the inter-frame spacing by a value if the maximum of the inter-frame spacing has not been reached to reduce a transmission rate; and

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a trainer system to determine whether the pause frame has been received after a packet count value is reached, to determine whether a minimum of the inter-frame spacing has been reached if the pause frame has not been received, and to decrease the inter-frame spacing by a second value if the minimum of the inter-frame spacing has not been reached to increase the transmission rate."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (571) 272-3135. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (571) 272-3134.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

December 8, 2005

Brenda Pham